

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DOCKET NO. 04 11572 JLT

SUSAN COONEY,)
Plaintiff)
v.)
)
SAYBROOK GRADUATE SCHOOL AND)
RESEARCH CENTER, and)
MAUREEN O'HARA, Individually)
Defendants)

PLAINTIFF'S MOTION FOR LEAVE OF COURT TO EXCEED TEN DEPOSITIONS

Pursuant to Local Rule 26.1(C), Plaintiff Susan Cooney ("Cooney") moves the Court for leave to exceed ten depositions. In support of this motion, Plaintiff states the following grounds:

1. After the May 11, 2005 Scheduling Conference, the Court authorized the Plaintiff to depose nine witnesses: Dr. Maureen O'Hara (defendant); Mr. John W. Reho; Dr. William Bruff; Mr. Donald Cooper; Dr. Eugene Taylor; Dr. Karen Schwartz; Daniel J. Finn, Esq.; Dr. Richard Francis; and Dr. Hugh Bair.

2. Counsel for the parties have agreed that plaintiff will take the depositions of Saybrook witnesses in San Francisco during the week of March 13 to 17, 2006.

3. As a result of recent discovery, plaintiff has become aware of additional fact witnesses that should be deposed.

4. Through a discovery stipulation of the parties, which was approved by the Court, the parties agreed that plaintiff may depose two more Saybrook employees in California: Dr. Art Bohart and Dr. Alan Vaughan. Per the terms of the stipulation, Dr. Bohart may not be

medically able to be deposed in California. If Dr. Bohart cannot be deposed in California, Plaintiff may take this deposition by telephone or by other remote electronic means. The parties also stipulated that Dr. Bohart's deposition may occur after March 31, 2006.

5. Plaintiff also seeks leave to depose any Saybrook employee(s) who provided counseling to Susan Cooney regarding Massachusetts regulations on licensure of psychologists. Plaintiff has not been able to determine the identity of the Saybrook employee(s). In a pending Motion to Compel, plaintiff asks the Court to order Saybrook to disclose its knowledge of any Saybrook employee(s) who counseled Cooney about Massachusetts regulations in or after 1995.

6. Plaintiff also seeks leave to depose John Wagener, Ph.D., an adjunct professor of Saybrook, who resides in Los Angeles according to defendants' counsel. Defendants' counsel cannot arrange for Dr. Wagener's attendance. Plaintiff may take Dr. Wagener's deposition by telephone or other remote electronic means.

7. Finally, Plaintiff seeks leave to depose two more witnesses from Massachusetts: Dr. John Burke (a former Saybrook graduate), and Dr. Dennis Norman (a psychologist at Massachusetts General Hospital, and former chair of the Board of Registration of Psychologists).

COMPLIANCE WITH LOCAL RULES 7.1(A)(2) AND 37.1(A)

8. On or about January 25 and 27, 2006 and February 3, 2006, counsel for the parties discussed plaintiff's request to take more than ten depositions. The parties stipulated that Plaintiff may depose Drs. Art Bohart and Alan Vaughan in San Francisco. The parties also agreed that plaintiff may attempt to depose Dr. John Wagener in Los Angeles or by telephone or remote electronic means. Counsel did not have an opportunity to discuss plaintiff's request to depose Saybrook employee(s) who counseled Plaintiff re Massachusetts licensure, and to depose two more Massachusetts witnesses: Dr. Dennis Norman, and Dr. John Burke.

CONCLUSION

9. Plaintiff is now seeking leave to depose a total of fifteen (15) witnesses.

Plaintiff's request to depose up to six witnesses will not prejudice any party, and will not cause significant delay to the completion of discovery or to the disposition of this case.

WHEREFORE, plaintiff requests leave of Court to depose up to fifteen witnesses:

(1) Dr. Maureen O'Hara; (2) Mr. John W. Reho; (3) Dr. William Bruff; (4) Mr. Donald Cooper; (5) Dr. Eugene Taylor; (6) Dr. Karen Schwartz; (7) Daniel J. Finn, Esq.; (8) Dr. Richard Francis; (9) Dr. Hugh Bair; (10) Dr. Art Bohart; (11) Dr. Alan Vaughan; (12) Dr. John Wagener; (13) any Saybrook employee(s) who counseled Plaintiff re Massachusetts regulations for licensure of psychologists in or after September, 1995; (14) Dr. John Burke; and (15) Dr. Dennis Norman.

Respectfully submitted,

SUSAN COONEY,
By her counsel,

/s/ Paul W. Morenberg, BBO # 631101

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Dated: February 6, 2006